IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO. 1179 OF 2006

Sherbanoo Co-op. Housing

Society Ltd. & Anr.....Petitioners

Vs.

Municipal Corporation of

Greater Mumbai & Ors. .....Respondetns

Zohair & Co., for the Petitioner

Ms. A.K. Savla, for Respondent No.1.

Mr. L.M. Parekh, C.A. of Respondent No.2 present in person.

CORAM: F.I. REBELLO &

MRS.V.K.TAHILRAMANI, JJ.

DATE: 7TH JUNE,2006

P.C.

. The Corporation contends that they have already issued notice to respondent No.2 under Section 53 of the M.R.T.P. Act. Respondent No.2 has approached the City Civil Court and has obtained ad-interim relief in Suit NO.2164 of 2005. The respondents are contesting the same on the ground that the suit against the notice under Section 53 of the M.R.T.P. Act is not maintainable. Learned Counsel for the petitioner if advised can also apply to be joined as defendant in the suit. If such an application is made the trial Court to hear the said

application for joinder and then the Motion and dispose of the same at any rate not later than three months from today.

2. If the injunction is vacated and subject to any order passed by this Court the respondents are directed to take further steps in law which they are entitled to.

3. Respondent No.2 is present in person through the Power of Attorney. The xerox copy of the Power of Attorney is taken on record. He states that he has filed a case against the petitioner No.1 society before the Co-operative Court. That dispute can be independently pursued.

. With the above observation petition stands disposed of.

(**F.I. REBELLO, J)**

(**MRS.V.K.TAHILRAMANI, J).**